

House Amendment 1016

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1 1 Amend House File 149 as follows:
1 2 #1. Page 1, by inserting before line 1 the
1 3 following:
1 4 <DIVISION IV
1 5 Sec. _____. NEW SECTION. 68B.40 ANTIHARASSMENT AND
1 6 ANTIBULLYING RULES == IMMUNITY.
1 7 1. DEFINITIONS. For purposes of this section,
1 8 unless the context otherwise requires:
1 9 a. "Harassment" and "bullying" shall be construed
1 10 to mean the same and mean any conduct toward a member
1 11 of the general assembly or the governor or candidate
1 12 for the general assembly or the office of governor
1 13 which is based on any actual or perceived trait or
1 14 characteristic of the member of the general assembly
1 15 or the governor or candidate for the general assembly
1 16 or the office of governor and which creates an
1 17 objectively hostile environment that meets one or more
1 18 of the following conditions:
1 19 (1) Places the member, governor, or candidate in
1 20 reasonable fear of harm to the member's, governor's,
1 21 or candidate's person or property.
1 22 (2) Has a substantially detrimental effect on the
1 23 member's, governor's, or candidate's physical or
1 24 mental health.
1 25 (3) Has the effect of substantially interfering
1 26 with a member's, governor's, or candidate's public
1 27 service or campaign performance.
1 28 (4) Has the effect of substantially interfering
1 29 with the member's, governor's, or candidate's ability
1 30 to participate in or benefit from the services,
1 31 activities, or privileges provided by the local
1 32 community or state.
1 33 b. "Trait or characteristic of the member,
1 34 governor, or candidate" includes but is not limited to
1 35 age, color, creed, national origin, race, religion,
1 36 marital status, sex, sexual orientation, gender
1 37 identity, physical attributes, physical or mental
1 38 ability or disability, ancestry, political party
1 39 preference, socioeconomic status, or familial status.
1 40 2. RULES. On or before September 1, 2007, the
1 41 Iowa ethics and campaign disclosure board shall adopt
1 42 rules declaring harassment and bullying in the public
1 43 arena, regardless of its location, in a manner
1 44 consistent with this section, as against state policy
1 45 pursuant to this section and against the board's
1 46 administrative rules. The board shall make a copy of
1 47 the rules available to all general assembly members,
1 48 the governor, and candidates for the general assembly
1 49 or the office of governor, campaign committees,
1 50 political committees, and volunteers, and shall take
2 1 all appropriate steps to bring the state policy
2 2 against harassment and bullying and the
2 3 responsibilities set forth in the rules to the
2 4 attention of all Iowans. The rules shall, at a
2 5 minimum, include all of the following components:
2 6 a. A statement declaring harassment and bullying
2 7 to be against state policy and the board's
2 8 administrative rules. The rules shall include but not
2 9 be limited to the following components:
2 10 (1) Members of the general assembly, the governor,
2 11 and candidates for the general assembly and the office
2 12 of governor shall not engage in harassing and bullying
2 13 behavior.
2 14 (2) Members of the general assembly, the governor,
2 15 and candidates for the general assembly and the office
2 16 of governor shall not engage in reprisal, retaliation,
2 17 or false accusation against a victim, witness, or an
2 18 individual who has reliable information about such an
2 19 act of harassment or bullying.
2 20 b. A definition of harassment and bullying that is
2 21 no less inclusive than the definition set forth in
2 22 this section.
2 23 c. A description of the type of behavior expected
2 24 from members of the general assembly, the governor,

2 25 and candidates for the general assembly and the office
2 26 of governor relative to prevention measures,
2 27 reporting, and investigation of harassment or
2 28 bullying.

2 29 d. The consequences and appropriate remedial
2 30 action for a person who violates the antiharassment
2 31 and antibullying administrative rules.

2 32 e. A procedure for reporting an act of harassment
2 33 or bullying, including the identification by job title
2 34 of the state official responsible for ensuring that
2 35 the rules are implemented, and the identification of
2 36 the person or persons responsible for receiving
2 37 reports of harassment or bullying.

2 38 f. A procedure for the prompt investigation of
2 39 complaints, identifying the ethics and campaign
2 40 disclosure board as the state agency responsible for
2 41 conducting the investigation, including a statement
2 42 that investigators will consider the totality of
2 43 circumstances presented in determining whether conduct
2 44 objectively constitutes harassment or bullying under
2 45 this section.

2 46 g. A statement of the manner in which the rules
2 47 will be publicized.

2 48 3. PROGRAMS ENCOURAGED. Members of the general
2 49 assembly, the governor, and candidates for the general
2 50 assembly and the office of the governor are encouraged
3 1 to establish programs designed to eliminate harassment
3 2 and bullying in the public arena. To the extent that
3 3 funds are available for these purposes, statewide
3 4 political committees shall do the following:

3 5 a. Provide training on harassment and bullying
3 6 policies to members of the general assembly, the
3 7 governor, and candidates for the general assembly and
3 8 the office of governor.

3 9 b. Develop a process to provide members of the
3 10 general assembly, the governor, and candidates for the
3 11 general assembly and the office of governor with the
3 12 skills and knowledge to help reduce incidents of
3 13 harassment and bullying.

3 14 4. IMMUNITY. An Iowa resident who promptly,
3 15 reasonably, and in good faith reports an incident of
3 16 harassment or bullying, in compliance with the
3 17 procedures in the rules adopted pursuant to this
3 18 section, to the ethics and campaign disclosure board,
3 19 shall be immune from civil or criminal liability
3 20 relating to such report and to participation in any
3 21 administrative or judicial proceeding resulting from
3 22 or relating to such report.

3 23 5. COLLECTION REQUIREMENT. The ethics and
3 24 campaign disclosure board shall develop and maintain a
3 25 system to collect harassment and bullying incidence
3 26 data.

3 27 6. INTEGRATION OF POLICY AND REPORTING. The
3 28 ethics and campaign disclosure board and the office of
3 29 secretary of state shall integrate the antiharassment
3 30 and antibullying rules adopted by the board into the
3 31 official registration documents for members of the
3 32 general assembly, the governor, and candidates for the
3 33 general assembly and the office of governor and shall
3 34 report data collected under subsection 5, as specified
3 35 by the board, to the general public.

3 36 7. EXISTING REMEDIES NOT AFFECTED. This section
3 37 shall not be construed to preclude a victim from
3 38 seeking administrative or legal remedies under any
3 39 applicable provision of law.

3 40 8. PENALTY. The board shall issue an order
3 41 requiring a person who violates the provisions of this
3 42 section to pay a civil penalty of not more than two
3 43 thousand dollars for each violation of this section.

3 44 9. FUND. An antiharassment and antibullying fund
3 45 is created within the office of the treasurer of state
3 46 to be administered by the board. Moneys collected by
3 47 the board pursuant to this section shall be deposited
3 48 in the fund and shall be distributed by the board to
3 49 the general assembly and to the office of governor to
3 50 fund the implementation of a proactive and pervasive
4 1 process of character development and to state
4 2 political committees to provide professional
4 3 development for members of the general assembly, the
4 4 governor, and candidates for the general assembly and
4 5 the office of governor.>

4 6 [#2.](#) Page 1, line 18, by inserting after the word
4 7 <behavior.> the following: <The general assembly also
4 8 finds that in order to create a safe and civil
4 9 environment for Iowa youth, it is the responsibility
4 10 of members of the general assembly, the governor, and
4 11 candidates for the general assembly and the office of
4 12 governor in Iowa to model the dignity and respect that
4 13 is legally required of Iowa school age youth.
4 14 Therefore, it is also the policy of this state that
4 15 members of the general assembly, the governor, and
4 16 candidates for the general assembly and the office of
4 17 governor shall not engage in harassing or bullying
4 18 behavior in accordance with section 68B.40.>
4 19 [#3.](#) Title page, line 2, by inserting after the
4 20 word <policies> the following: <and rules>.
4 21
4 22
4 23 _____
4 24 RAECKER of Polk
4 25 HF 149.507 82
4 26 kh/je/6186